

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**August 29, 2002**

**IN RE:**

**PETITION FOR APPROVAL OF THE  
AMENDMENT TO THE INTERCONNECTION  
AGREEMENT BETWEEN BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
LOADPOINT, LLC**

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**DOCKET NO. 02-00612**

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**ORDER APPROVING  
AMENDMENT TO THE INTERCONNECTION AGREEMENT**

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This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 23, 2002 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and LoadPoint, LLC.

The original interconnection agreement was filed under Docket No. 02-00467 together with a petition requesting its approval on April 23, 2002. The agreement was considered at a regularly scheduled Authority Conference held on June 11, 2002. A majority of the Directors voted to allow the agreement to go into effect on July 22, 2002 pursuant to Section 252(e)(4) of

the Act.<sup>1</sup> The parties filed an amendment to the interconnection agreement on May 23, 2002, which is the subject of this docket.

Based upon the review of the amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the amendment and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>2</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

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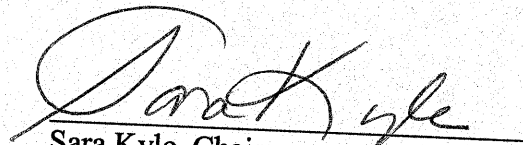
<sup>1</sup> See *In Re: Approval of the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and LoadPoint, LLC Pursuant to the Telecommunications Act of 1996*, Docket No. 02-00467, *Order*, p. 3, (June 25, 2002). See also 47 U.S.C. § 252(e)(4) (Supp. 2000) which provides that this type of agreement is deemed approved ninety (90) days after submission for approval by a state commission where the commission does not approve or reject the agreement.

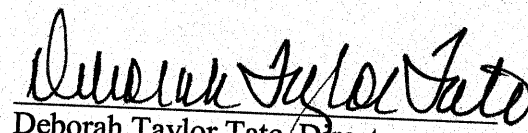
<sup>2</sup> See 47 U.S.C. § 252(e)(2)(B) (Supp. 2001).

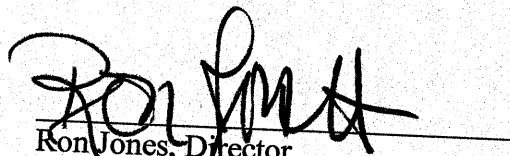
- 5) No person or entity has sought to intervene in this docket.
- 6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and LoadPoint, LLC is approved and is subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
Deborah Taylor Tate, Director

  
Ron Jones, Director